

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA )

VS. )

BARRY J. LAFLEUR )

CR No. 1:22-CR-24 WES

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MOTION TO MODIFY RELEASE CONDITIONS

Now comes Barry Lafleur, the Defendant in the above captioned matter, and moves this Honorable Court to modify his release conditions. Mr. Lafleur has been fully compliant with his conditions since his arrest on February 2, 2022. Prominently, his conditions included mental health counseling and home detention with GPS monitoring to address particular concerns. Mr. Lafleur has fully engaged in treatment while released and reports it has been very helpful. That said, he seeks to modify his conditions and end the electronic monitoring because it is now an unnecessary restraint.

The basis for the imposition of the EM was the perceived danger presented by Mr. Lafleur as argued by the government. It alleged that Mr. Lafleur had posted numerous threatening messages on the internet mentioning the use of a gun (the government also argued that Mr. Lafleur might be suffering from some mental distress; a concern that has been addressed by his productive and successful counseling). The intent of the EM was to ensure Mr. Lafleur could not take any steps towards obtaining a firearm. The reality is that Mr. Lafleur's posts date back some years and he has never attempted to obtain any weapon. Likewise, he has no weapon possession or interaction in his further past (he is now 58 years old). Further, he has assured the agents and Counsel that he has no desire to have any weapon now or in the future.

Mr. Lafleur's case has proceeded forward to the pretrial stage. Mr. Lafleur has asked for a jury trial. The government asked for a continuance of a trial date into the future based on its continued processing of data from Mr. Lafleur's cellphone and computer which it seized 9 months ago. The Court has indicated that it cannot accommodate a jury trial until at least January (no promises or date certain). The result is Mr. Lafleur's continued unnecessary restraint and detention via EM.

For all of these reasons The Court should grant Mr. Lafleur's request.

Respectfully submitted  
Barry J. Lafleur  
By his attorney,

/s/ Kevin J. Fitzgerald, 5775  
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#### CERTIFICATION

I hereby certify that a copy of this motion was delivered by electronic notification to Dulce Donovan, Assistant United States Attorney, on November 4, 2022.

/s/ Kevin J. Fitzgerald